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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,261	12/20/2001	Stein A. Lundby	PA020022	6518
23696	7590	12/05/2003	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			CRAVER, CHARLES R	
			ART UNIT	PAPER NUMBER
			2682	<i>J</i>

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/032,261

Applicant(s)
Lundby

Examiner
Charles Craver

Art Unit
2682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Dec 20, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5, 7 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9-14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahany, US Pat 5,862,171.

Claim 1: Mahany discloses a wireless communication system (FIG 8) with a remote station for triggering transmission of parameters from a base station (col 1 line 52-col 2 line 5), comprising

inherently, a processing element for executing instructions stored in a memory, for determining if a stored set of parameters (col 2 lines 20-48) is current, and if so, decoding a packet, and if not, transmitting a re-transmission request on a reverse link to the base station (col 19 line 42-col 20 line 25). **Claims 2-4:** Mahany discloses that the reverse channel is for ack signals (col 19 lines 42-53). **Claim 5:** Mahany discloses that the reverse channel may be used to dictate channel quality (col 15 line 48-col 16 line 40), which is read as a CQI channel. **Claim 9:** Mahany discloses that the transmission parameters may be updated by an unsuccessful attempt to receive data (col 15 lines 52-64).

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Claim 10: Mahany discloses a wireless communication system (FIG 8) with a remote station for triggering transmission of parameters from a base station (col 1 line 52-col 2 line 5), comprising in the base station

inherently, a processing element for executing instructions stored in a memory, for transmitting control messages (parameters) to the mobile, and receiving a re-transmission signal from the mobile on a reverse link indicating that a stored set of parameters (col 2 lines 20-48) is not current, and re-transmitting a control message with parameters to be updated, as well as transmitting a data packet (col 19 line 42-col 20 line 25). **Claims 11-13:** Mahany discloses that the reverse channel is for ack signals (col 19 lines 42-53). **Claim 14:** Mahany discloses that the reverse channel may be used to dictate channel quality (col 15 line 48-col 16 line 40), which is read as a CQI channel.

Claims 17 and 18: claims 17 and 18 recite the inherent method performed by the apparatus of claims 1 and 10, respectively, and as such are rejected for the same reasoning set forth above.

Claims 19 and 20: Mahany discloses a wireless communication system (FIG 8) with a remote station for triggering transmission of parameters from a base station (col 1 line 52-col 2 line 5), comprising

in the BS, means for transmitting control messages (parameters) to the mobile, and monitoring for a re-transmission signal from the mobile on a reverse link indicating that a stored set of parameters (col 2 lines 20-48) is not current,

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means in the MS for determining if a stored set of parameters (col 2 lines 20-48) is current, and if so, decoding a packet, and if not, transmitting said re-transmission request on a reverse link to the base station, and thus re-transmitting a control message with parameters to be updated from the BS to the MS, as well as transmitting a data packet (col 19 line 42-col 20 line 25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany.

While disclosing applicant's invention of claim 5 above, Mahany fails to disclose using the fifth bit of a symbol. However, such would have been an obvious engineering decision based on the type of symbol and slot/frame structure utilized by the system to transmit such data, and as such would have been an obvious modification to one of ordinary skill in the art at the time of the invention.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany as applied to claim 1 above, and further in view of Willey, US Pat 6,505,058.

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Mahany discloses applicant's invention of claim 1 above, but fails to disclose handoff.

Willey discloses an analogous art, that is, a mobile communication system wherein transmission parameters may be updated by the mobile station (col 2 lines 4-28), wherein such may be accomplished after a handover is performed (col 1 lines 14-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Mahany, as Mahany discloses the use of multiple base stations, and Willey discloses that updating the parameters after a handover ensures that said parameters are always up-to-date.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany.

Please see the rejection of claims 6 and 17 above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Priest and Gray et al discuss systems with parameter updating.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington VA, sixth floor (receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Charles Craver whose telephone number is (703) 305-3965.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Vivian Chin, can be reached on (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.


CHARLES CRAVER
PATENT EXAMINER

C. Craver
November 26, 2003